

October 12, 2011

Hon. William F. Kuntz, II
United States District Judge
Eastern District of New York
Brooklyn Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201-1818

Re: Estate of Daniel McDonnell et al v. County of Suffolk et al
Docket No.: CV11-4221

Dear Judge Kuntz :

The above captioned matter was recently assigned to your Honor from the Hon. Sandra J. Feuerstein. The defendants write at this time to respectfully request that pursuant to Local Rules 50.1(d)(2) and 50.2(f)(2) of the United States District Court for Eastern District of New York, the above entitled case be designated a "Long Island" case and be reassigned to the Central Islip courthouse.

Local Rule 50.1(d)(2) provides that "a civil case shall be designated a "Long Island" case if the cause arose wholly or in substantial part in Nassau or Suffolk County." The rules further provide that a party may move to designate a case as a "Long Island" case on the grounds that such an action will service the convenience of the parties and witnesses or is otherwise in the interests of justice. Local Rule 50.1(d)(3)

The above action involves a claim arising out of an in custody death which occurred at the Suffolk County Police Department First Precinct in Lindenhurst, New York. The decedent was a resident of Suffolk County as are the members of his family who will be witnesses in the case. The potential defendants are Suffolk County Police Officers and most if not all of the anticipated defense witnesses will be members of the Suffolk County Police Department or employees of the Suffolk County Laboratory and Medical Examiner's Office. Moreover, events which occurred leading up to the decedent's arrest resulting in him being detained at the precinct all occurred in Suffolk County, and the witnesses to these events are Suffolk County residents as well. The defendants are represented by the Suffolk County Attorney's Office and lead counsel for the plaintiff, James McDonough, Esq. maintains his office in Suffolk County. The office of co-counsel for the plaintiff, Stephen Civardi, Esq. is in Nassau County.

Based on the foregoing, the defendants respectfully submit that a designation of the above action as a "Long Island" case and a reassignment of the matter to the Central Islip courthouse will service the convenience of all the parties and witnesses and is otherwise in the interests of justice. I have advised Mr. Civardi that I would be making this request and he indicated that the plaintiff would prefer the case remain in Brooklyn. Notwithstanding, the defendants respectfully submit that a designation of the matter as a "Long Island" case is appropriate.

Respectfully submitted,

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Suffolk County Attorney

By: _____
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